

we debate this bill, I will definitely vote no on advancing to the CJS appropriations bill.

I yield back and note the whip is in the Chamber.

The PRESIDING OFFICER. The majority whip.

NATIONAL DEFENSE AUTHORIZATION BILL

Mr. CORNYN. Mr. President, the Senate is demonstrating its serious commitment to supporting our military, and it is a good thing. In passing the Defense authorization bill, a bipartisan piece of legislation, we authorized funding for training and for the ever-evolving threats our troops are meeting around the world. It will also give our men and women in uniform the most up-to-date equipment, including newer and more capable aircraft and vehicles.

Fortunately, the bill also authorized needed improvements at military facilities, such as construction projects in my State at Fort Hood, Joint Base San Antonio, the Red River Army Depot, and Ellington Field, and provided a much needed and well-deserved pay raise for our troops. I am glad we were able to get through this process, get this bill done, making sure our military is ready to face any potential threat around the world.

MASS SHOOTING IN ORLANDO

Mr. CORNYN. Mr. President, I know the country is in shock and still trying to evaluate the terrorist attack in Orlando as we continue to learn from the FBI's investigation. The attack killed almost 50 people and of course left dozens injured.

According to the latest reports, one of the victims was Frank Escalante from Weslaco, TX. My heart goes out to Frank, his family and friends, and all those others who lost loved ones early Sunday morning and to those living with the wounds they sustained in that terrible attack. With this act of violence and hatred, Orlando sadly joins a growing list of American cities and cities around the world changed forever by radical Islamic extremism.

The jihadist, like those in San Bernardino before him, declared his allegiance to the Islamic State, and like the two Boston Marathon bombers, he was previously investigated by the FBI for connections to terrorists or known terrorist groups that carried out attacks similar to the gruesome attacks in Paris last November. Like those terrorists, the terrorist in Orlando targeted hundreds of unarmed civilians, and ISIS has used the Internet to urge lone wolves to imitate these types of attacks. In other words, not only are we concerned about people in the Middle East who have pledged allegiance to ISIS coming to the United States, we are concerned about Americans who are traveling from the United States, going there and training, and then

coming back home. But the worst, and perhaps the most difficult of all to deal with, are American citizens, such as this shooter, who are radicalized in place, and of course this is the biggest challenge for the FBI. We must now come together and not only mourn and grieve those lives lost, but we need to also try and make a difference. It is time to act.

The Orlando attack was not just a random act of violence. It was a calculated act of terror. By aiming his gun at innocent civilians, this jihadist opened fire on our freedoms, our way of life, and the bedrock principles that make us a diverse and vibrant democracy. We have to take these threats seriously and do everything we can to counter the ideology that provides a threat to our security, both within and without our borders.

We also need an honest conversation about how to move forward on legislation that might have the effect of preventing attacks like this in the future. Some of those conversations are already happening, and I hope we will not stop until we make some progress. One place we can start is with a measure I introduced last year that would prevent known or suspected terrorists from purchasing firearms in the first place. It would not just block someone from buying a gun because of mere suspicion but would set up a process to actually detain—if based on evidence they are deemed to be a threat to society—and prevent them from not only purchasing a firearm but put them behind bars where they can't be a danger to other people. If potential terrorists are dangerous enough not to be allowed to own a gun, then I think they are dangerous enough to be taken off the streets. We shouldn't forget that a person who feels compelled to commit a terrorist act will not be stopped by just being unable to legally purchase a firearm. The 9/11 attackers used box cutters and airplanes. The Boston Marathon bombers used homemade explosives, and the terrorists in Paris and Brussels used illegal firearms and suicide vests.

In the case of the Orlando attacker, it does not appear he was on a watch list at the time he purchased the weapons he used to carry out this horrific attack. In fact, the FBI had twice cleared him of being an active terror threat. We need to be clear-eyed about this if we are actually serious about stopping events like this in the future.

I believe we do need to go further and do more to arm our law enforcement officers with the tools they need in order to counter terrorists and defend communities. FBI Director James Comey has outlined—with great clarity and specificity—how great a threat we face from extremists within our borders, and he made the point that the FBI has opened investigations in all of their FBI field offices around the country; that is, investigations of people being radicalized in place and doing the terrible deed that the shooter in Orlando did early Sunday morning.

If the FBI Director says this is an urgent need, we ought to act. Too often the FBI and other local law enforcement officers have to operate with one hand tied behind their back because they can't access key pieces of information like encrypted data. We saw that in an attempted terrorist attack in Garland, TX, last year, on the day of the ISIS-inspired attack just northeast of Dallas. Before the two jihadists—unfortunately traveling from Phoenix—arrived in Garland, they exchanged more than 100 different messages with terrorists overseas. Unfortunately, the FBI still doesn't have access to those communications because they are encrypted. That means law enforcement could still be missing critical information that could uncover future plots or identify more terrorists, both abroad and here at home.

The Garland case is not unique. The FBI is routinely hamstrung by outdated policies that make their job of protecting the homeland more difficult. We saw another example of that in San Bernardino, CA. We have to address this major policy gap. I hope the Senate has an opportunity to consider an amendment I filed to a bill that would update the Electronic Communications Privacy Act. It would help FBI agents get access to critical information faster to prevent terrorist attacks. The FBI Director has made it clear that this is his top legislative priority, and it is also supported by President Obama and his administration.

I believe it is our duty, now more than ever, to do something about it and make sure the FBI has critical counterterrorism tools to be able to identify potential threats before they commit horrific acts of violence like we saw in Orlando. It is clear the threats are on our doorsteps, and we should be willing to give those on the front lines of the counterterrorism fight faster access to critical information so they can identify terrorists and thwart those attacks. I am not talking about content of communications—at least initially. We know under the Fourth Amendment to the U.S. Constitution that law enforcement has to demonstrate probable cause to get access to content of online communication, but there is a whole host of information that identifies email addresses, Internet Protocol addresses, and the like, that could help the FBI connect the dots. If we are expecting the FBI to connect the dots in terrorist attacks and prevent other tragedies such as that in Orlando, then we ought to give them access to all the dots.

I hope this week, as we debate what the appropriate response is to dealing with these acts of mass terror, we look at the legislation I introduced last December that would notify the FBI in the event someone on a watch list attempts to purchase a firearm and then give the FBI a chance, if the evidence warrants it, to detain that individual and deny them access to the firearm. Moreover, I hope we will also provide